

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Russell C. Muniz, Town Clerk/797-1023

THROUGH: Christopher J. Kovanos

SUBJECT: Resolution

AFFECTED DISTRICT: Town wide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2005 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.

REPORT IN BRIEF: Broward County collects local option gasoline taxes and distributes these funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% Municipal. The Municipal distribution is calculated in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population", published by the Bureau of Economics & Business Research, Population Division, University of Florida. The current incorporated area population formula reflects a population increase in the Town of Davie of 2082 and a decreased distribution percentage from 1.850282 to 1.829305.

PREVIOUS ACTIONS: R-2004-097

CONCURRENCES: Requires execution by the County

FISCAL IMPACT: N/A

Additional Comments:

Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve this resolution

Attachment(s):

Resolution

2005 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2005 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.

WHEREAS, on June 14, 1988, the Broward County Board of County Commissioners approved a 30 year extension of the six cent Local Option Gas Tax; and

WHEREAS, the distribution of these funds is adjusted annually to reflect Population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the 2004 Amendment to receive a distribution of these funds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The appropriate Town officials are hereby authorized to execute the 2005 Amendment to the Interlocal Agreement with Broward County, attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005

2005 AMENDMENT
to
INTERLOCAL AGREEMENT
between
BROWARD COUNTY
and
DAVIE
providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

This is the 2005 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to the ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the county which establishes the distribution formulas for dividing the proceeds of the tax

among the county and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement and the prior twenty amendments, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior eighteen amendments, is amended to read as follows:

2. Sixty-two and Five tenths (62.5) percent of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining Thirty-seven and five tenths (37.5) percent shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 37.5\% =$$

<u>Recipients</u>	<u>FY 2006 Percent Share of Proceeds</u>
Coconut Creek	1.071097%
Cooper City	0.656332%
Coral Springs	2.832098%
Dania	0.627612%
Davie	1.829305%
Deerfield Beach	1.672603%
Fort Lauderdale	3.806282%
Hallandale	0.787420%
Hillsboro Beach	0.050178%
Hollywood	3.196126%
Lauderdale-by-the-Sea	0.140319%
Lauderdale Lakes	0.709684%
Lauderhill	1.294918%
Lazy Lake	0.000760%
Lighthouse Point	0.242663%
Margate	1.217115%

<u>Recipients</u>	<u>FY 2006 Percent Share of Proceeds</u>
Miramar	2.275606%
North Lauderdale	0.901432%
Oakland Park	0.710980%
Parkland	0.433025%
Pembroke Park	0.127579%
Pembroke Pines	3.362349%
Plantation	1.890971%
Pompano Beach	2.267650%
Sea Ranch Lakes	0.016249%
Southwest Ranches	0.166357%
Sunrise	1.988689%
Tamarac	1.290225%
Weston	1.355266%
West Park	0.304597%
Wilton Manors	0.274513%
Total Incorporated	37.500000%
Unincorporated Area	
Total County	

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior Twenty amendments, is amended to read as follows:

<u>Recipients</u>	<u>FY 2006 Population</u>
Coconut Creek	47,922
Cooper City	29,365
Coral Springs	126,711
Dania	28,080
Davie	81,845
Deerfield Beach	74,834
Fort Lauderdale	170,297

<u>Recipients</u>	<u>FY 2006 Population</u>
Hallandale	35,230
Hillsboro Beach	2,245
Hollywood	142,998
Lauderdale-by-the-Sea	6,278
Lauderdale Lakes	31,752
Lauderhill	57,936
Lazy Lake	34
Lighthouse Point	10,857
Margate	54,455
Miramar	101,813
North Lauderdale	40,331
Oakland Park	31,810
Parkland	19,374
Pembroke Park	5,708
Pembroke Pines	150,435
Plantation	84,604
Pompano Beach	101,457
Sea Ranch Lakes	727
Southwest Ranches	7,443
Sunrise	88,976
Tamarac	57,726
Weston	60,636
West Park	13,628
Wilton Manors	12,282
Total Incorporated	1,677,789
Unincorporated Area	45,342
Total County	1,723,131

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2005 Amendment and the Agreement and/or the Addendum to the Agreement and/or First through the Twentieth Amendment, the parties hereby agree that this document shall control.

4. This 2005 Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this 2005 Amendment prior to June 1, 2005.

5. This 2005 Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6. In the event a portion of this 2005 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

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IN WITNESS WHEREOF, the parties have made and executed this 2005 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

COMMISSIONERS

BROWARD COUNTY, through its
BOARD OF COUNTY

County Administrator and Ex-Officio

By

Clerk of the Board of County
Commissioners of Broward County,
Florida

Mayor

____ day of _____, 2005.

Attorney

Approved as to form by
Office of County Attorney
Broward County, Florida
Sharon L. Cruz, Interim County

Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Pamela M. Kane
Assistant County Attorney

2005 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD
COUNTY AND DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE
LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL
OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

DAVIE

By

Mayor-Commissioner

____ day of _____, 2005.

ATTEST:

By _____
Municipal Clerk

Municipal Manager

____ day of _____, 2005.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

Municipal Attorney

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